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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,578	10/31/2003	SweeFen Goh	728-239 (YOR9-2003-0452US)	1564
28249 7590 01/26/2007 DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553			EXAMINER BAROT, BHARAT	
			ART UNIT 2155	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/699,578	Applicant(s) GOH ET AL.	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/02/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

3. Claims 1, 8, and 9 are objected to because of the following informality:
 - (a) Claims 1 and 8 at step (e) "(3)" should be -(d)--.
 - (b) Claim 9 at step (f) 6 "(3)" should be -(e)--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention of the claim 8 is directed to non-statutory subject matter. Claim 8 recited "A computer program device readable by a machine,..." which is non-statutory as not being tangibly embodied in a storage medium and in manner so as to be executable by a computer/processor.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss et al (U.S. Patent No. 6,401,119) in view of Dinker et al (U.S. Patent No. 7,139,925).

8. As to claim 1, Fuss et al teach a method for seamless migration of one or more business processes and their work environment between a plurality of computing devices (clients) belonging to a user and connected to a network, where a first computing device initiates a first working session with a server computing device creating a first work environment on the first computing device and at initiation the user

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migrating the first session to a second computing device to continue the first working session between a second computing device and a server computing device (see abstract; figure 1; and column 6 line 55 to column 7 line 24), the method comprising steps of: determining all non-failure states of each component of the first work environment goes through based on the non-failure action performed on it; for each determined state determining all failure events caused by events that prevent the each component from reaching the non-failure states; associating said failure events with one of defined failure states; and migrating the one or more business process and their work environment between a plurality of computing devices belonging to the user (figures 4s; and column 7 line 33 to column 9 line 60).

However, Fuss et al do not teach the steps of: for each failure state specifying a next non-failure action to perform; and repeating determining and associating steps for all next non-failure action of specifying step.

Dinker et al teach the steps of: for each failure state specifying a next non-failure action to perform; and repeating determining all non-failure states and failure events for each node and associating the failure events with one of defined failure states for all next non-failure action of specifying step (figures 6s and 8s; column 15 line 20 to column 16 line 24; column 17 line 33 to column 18 line 13; and column 18 line 48 to column 19 line 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dinker et al stated above in the method of Fuss et al for seamless migration of one or more business processes and

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their work environment between a plurality of computing devices belonging to a user and connected to a network because it would have promoted efficient planning and work flow in the network and maximized the utilization of the network by implementing a recovery function.

9. As to claims 2-4, Dinker et al disclose that the network is the Internet; and the computing devices are connected to the network via wired and wireless means (column 18 lines 26-36).

10. As to claim 5, Fuss et al teach that the migrating of one or more business processes and their work environment between a plurality of computing devices provides transparency and reliability to the user utilizing the plurality of computing devices (see abstract; figure 2; and column 5 line 27 to column 6 line 35).

11. As to claims 6-7, Fuss et al teach that users and their plurality of computing devices and instances of migrations are registered with the server computing device (figure 2; and column 6 lines 36-54).

12. As to claims 8-10, they are also rejected for the same reasons set forth to rejecting claims 1-7 above, since claim 8 is merely a computer product for the method of the operations defined in the method claim 1 and claims 9-10 contain similar limitations rejected in the claims 1-7.

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Additional References

13. The examiner as of general interest cites the following references.

- a. Menard et al, U.S. Patent No. 7,065,566.
- b. Breese et al, U.S. Patent No. 7,047,291.
- c. Saulpaugh et al, U.S. Patent No. 6,934,755.
- d. Zintel et al, U.S. Patent No. 6,725,281.

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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January 11, 2007

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER